high-voltage (4,160 volts) cables to power longwall mining equipment. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 28, 1995. Copies of these petitions are available for inspection at that address.

Dated: March 22, 1995.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 95–7647 Filed 3–28–95; 8:45 am]

BILLING CODE 4510–43–P

Occupational Safety and Health Administration

[Docket No. NRTL–3–93]

Factory Mutual Research Corporation

AGENCY: Occupational Safety and Health Administration Department of Labor.

ACTION: Notice of Application for Renewal of Recognition as a Nationally Recognized Testing Laboratory, and Preliminary Finding.

SUMMARY: This notice announces the application of the Factory Mutual Research Corporation for renewal of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is May 30, 1995.

ADDRESSES: Send comments to: NRTL Recognition Program, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington , DC. 20210.

FOR FURTHER INFORMATION CONTACT: Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, DC 20210.

Notice of Application

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Factory Mutual Research Corporation (FMRC) has made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7 for renewal of its recognition of the following facilities as a Nationally Recognized Testing Laboratory.

The addresses of the laboratories covered by this application are:

1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062

743 Reynolds Road, West Gloucester, Rhode Island 02814

Background

When OSHA published its standard for NRTLs at 29 CFR 1910.7, it temporarily recognized Factory Mutual Research Corporation (FMRC) and Underwriters Laboratories Incorporated (UL). Both organizations had already been referenced by the Occupational Safety and Health Administration (OSHA) as acceptable organizations for testing or certifying certain workplace equipment and materials. Appendix A of section 1907 stated, in part, that Factory Mutual Research Corporation was recognized temporarily as a nationally recognized testing laboratory by the Assistant Secretary for a five-year period from June 13, 1988 through June 13, 1993. At the end of this five-year period FMRC was required to apply for renewal of that OSHA recognition utilizing certain specified procedures. FMRC has applied for renewal of its recognition as an NRTL within the specified time frame (application dated October 8, 1992) and retains temporary recognition pending OSHA's final decision in this renewal process.

Application

According to the applicant Factory Mutual began testing products in 1886; the first published listings of approved fire hose appeared in 1907. As of October 1992, FMRC approved products and services for approximately 1900 manufacturers and service providers in the United States and 32 foreign countries.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for renewal of its recognition to certify products in the area of testing which it has specified.

Factory Mutual Research Corporation states that its application demonstrates that for each specified item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, quality control and calibration programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate product test standards. In summary, it claims that it has the experience, expertise, personnel, organization, equipment, and facilities suitable for renewal of its accreditation as an OSHA Nationally Recognized Testing Laboratory.

In support of its application, FMRC has attached various exhibits [see Exhibits 2A(1), 2A(2), 2A(3), and 2A(4)]. According to the applicant, it demonstrates its capability to perform testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate standards [see Ex. 2A(1)]; has the proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs [see Ex. 2A(2)]; and has also the capability to perform experimental testing and examining of equipment and materials for workplace safety purposes to determine the conformance with appropriate test standards or performance in a specified manner.

FMRC further asserts that it provides the following controls or services: A registered certification mark [see Ex. 2A(3)]; product evaluation of samples submitted by manufacturers to assure conformance with the test standards; and a facilities and procedures quality audit program to monitor production and use of the FMRC Approval Mark, supplemented with periodic inspections of user premises for monitoring product performance and for identifying the listed or labeled equipment or materials [see Exs. 2A(2)] and 2A(3)].

The applicant also states that it is a non-profit corporation and, accordingly, is not owned, operated or controlled by any company manufacturing, supplying or distributing any portion of the materials and products examined and tested. Further, FMRC claims not to have any financial interest in any company manufacturing, supplying, or distributing materials or products examined [see Ex. 2A(3)].

If clients, FMRC personnel, users, or other sources, file a complaint or disagrees with a decision relating to the standard, to engineering, use, or to inspection, they can present and discuss their views with the involved Engineer(s) and Section Manager in an effort to resolve any disagreement. If the matter cannot be satisfactorily resolved at that level, they are referred to the Department Manager, then to the Division Manager and finally if the complaint is still unresolved it is referred to the Chief Operating Officer

for the final decision. Equipment rental is infrequent and used only for a special one-time test or when a similar piece of equipment is in repair. The equipment is leased from reputable dealers and operation manuals and calibration certification are required to be supplied.

Finally, Factory Mutual Research Corporation states that it provides creditable reports and findings which are objective and without bias, as well as a fair and reasonable system of handling complaints [see Ex. 2A(2)].

FMRC's application contained 4 enclosures, which they identified as Exhibits 1, 2, 3 and 4. For OSHA's purposes, these documents are listed as Exhibits 2A(1), 2A(2), 2A(3), and 2A(4), respectively. Exhibit 2A(1) lists the test standards for which the applicant desired accreditation, and includes copies of those prepared and published by FMRC. Exhibit 2A(2) consists of FMRC's Operations and Quality Assurance Manual (OQAM) dealing with various facets of the Approvals Division, such as background and history; a demonstration of reporting results; the FMRC organizational chart; the Electrical Department; handling of complaints; laboratory operations; personnel, including position descriptions; descriptions of the facilities; details of procedures with test samples; test procedures; record keeping and data collection; documentation and document control; reports; test equipment including the calibration program; the facilities and procedures audit; product re-examination program; approval standards including mechanics of development; status of approval or listing; guides and listing procedures; follow-up testing; the Quality Assurance program; and a listing of blank forms used in the Approvals Division. Exhibit 2A(3) contains a statement of independence; a listing of FMRC's certification marks; a brochure concerning its approval services; a sample of the general procedure format; and a listing of test equipment. Finally, the last enclosure, Exhibit 2A(4), encompasses the FMRC Approval Guide, including two supplements.

The test procedure method is identified in the revised 5–15–92 version of the General Test Procedure Format. This format identifies specific paragraphs for specific information. General headings include the Purpose and Scope, Test Criteria, Samples Required, Test Facilities and Equipment, Test Setup, Operations, Test Results, and Safety Precautions. The test procedures listing is being updated to reflect the latest procedures.

Facilities

Factory Mutual Research Corporation (FMRC) headquarters in Norwood, Massachusetts occupies a 40 acre site with more than a dozen buildings totaling some 235,550 square feet. Approximately 50 percent of the floor space is allocated for product testing. The Norwood complex is also headquarters for Factory Mutual Engineering Corp. (FMEC) and Factory Mutual Engineering Association (FMEA). Under Factory Mutual Research Corporation are the Standards Division, Approvals Division, Research Division, Loss Operational Analysis Department, and the Administration Department. Many of the administrative and operational support activities for FMRC, such as legal, accounting, and personnel, are provided by FMEC. The Approvals Division of FMRC has responsibility for the Facilities and Procedures Audits (follow-up program for manufacturers); however, in the United States, inspectors are provided by FMEA while overseas they are provided by Factory Mutual International (FMI). The Approvals Division has a technical staff of approximately 75, consisting of 10 managers, 51 engineers, and 15 technicians. FMEA has approximately 960 inspectors and FMI 300.

The West Glocester facility occupies a 1500 acre site. The main building totals some 30,260 square feet. Three large fire test pads and the associated control room occupy most of this space. Additional facilities at West Glocester include a large hydraulics laboratory and a structure to study explosions of combustible dusts and flammable gases or vapors. The West Glocester facility has a staff of approximately 35. However, most of the facility is devoted to the testing of sprinkler and other fire extinguishment system.

Audit Structure

A new audit schedule addresses the frequency of audits and includes the West Glocester facilities. The schedule also includes an aggressive approach to resolving identified discrepancies.

The Facilities and Procedures Audits (F&PA) for FMRC Practices and Procedures provide information on how to perform a proper and successful Approvals Division Facilities and Procedures Audit (F&PA). This document provides guidance on the program, scope of the audits, Areas of Investigation of a Manufacturers Quality Assurance Program, and the preparation, planning and conducting of the audit.

The frequency of audits at the manufacturing site are monitored to insure the yearly minimum (at least quarterly for the NRTL program) is maintained and is in accordance with QAM Section 17.4.

Internal Controls (Quality Assurance)

The Operations and Quality Assurance Manual documents the procedures for controlling the quality of operations in the Approvals Division. The manual includes a policy statement and methods to evaluate and correct quality system problems and includes the necessary ingredients for an effective Quality Assurance Program.

Portions of the Operations and Quality Assurance Manual describe the general policy requiring outside testing laboratories to meet the applicable quality assurance standards of the Approvals Division. The Manual does not specify which outside NRTL laboratories are acceptable, only that the laboratory must meet the Approvals Division quality assurance requirements.

The Technical Report Format is described in the Operations and Quality Assurance Manual (OQAM), and contains the name and address of the testing location, job identification number, name and address of the client, facilities and procedures audit inspection results, conclusion, signatures and other relevant information.

Another section of the Operations and Quality Assurance Manual addresses the Record Keeping Requirements, to include the retention time for specific types of records.

The Follow-up Program is also discussed in the OQAM. Initial factory inspections for an approval/listing process are normally conducted by the Approvals Division personnel (FMRC). Subsequent follow-ups are commonly conducted by the FMEA District Offices in North America, and by FMI in other locations.

Programs

FMRC administers several operational programs, some of which have been in effect for a number of years. Some of these programs have provided the test and evaluation data for products that have been approved and are still being supplied by manufacturers for introduction into the workplaces of the United States.

The following programs have been examined and found to be acceptable to OSHA on the basis of the procedures and specific criteria as detailed in 60 FR 12980, March 9, 1995, pertaining to the types of programs and procedures that

NRTLs may engage in under the OSHA/NRTL program. See Exhibit 2C, an addendum to the original ''On-Site Review Report (Survey)'', dated March 10, 1995, (Exhibit 2B), which reviews the following programs on the basis of their conformance to the programs described in 60 FR 12980, March 9, 1995, ''Nationally Recognized Testing Laboratories; Clarification of the Types of Programs and Procedures''.

Basic Program

This program is one in which FMRC performs all of the necessary product testing and evaluation in-house prior to issuing a certification.

Witnessed Test Data Program

This program is utilized when such as the size, complexity, or uniqueness of a product requires testing at the manufacturer's or other outside laboratory's facilities, or when a manufacturer is entering the Laboratory Qualification Program. The tests are in accordance with the appropriate recognized standard(s) and are witnessed by an FMRC technical representative. The specific information required by the FMRC Operations and Quality Assurance manual to insure equivalency with tests conducted at FMRC is recorded in the Project Data Record (test notebook).

FMRC Laboratory Qualification Program

Since 1979, manufacturers of electrical utilization equipment (process control and test and measuring instrumentation for use in ordinary ''non-hazardous'' locations) meeting specific criteria, have been allowed to submit test data to FMRC to be used as a part of the approval process. The data submitted by the manufacturer may be used in lieu of tests conducted by FMRC or, at its discretion, FMRC may conduct comparative tests to insure accurateness of manufacturers' supplied data. This includes a review of the product submitted for approval.

The qualification procedures include on-site assessments and an evaluation for usage of proper standards, client personnel, testing facilities and verification testing. Part of the program includes periodic review visits.

A specific department of the client is qualified to generate the necessary test and evaluation information that a product meets the appropriate standards. Test equipment, calibration program, test personnel, test procedures, design origination and change, and the marking and documentation submittal are specified in the Laboratory Qualification Report. The information and a sample product is sent to FMRC for its review.

The program allows for unannounced on-site visits to the manufacturer's facility to verify compliance with the program. An up-to-date listing is maintained of the manufacturing laboratories that are qualified under this program.

International Electrotechnical Commission (IEC) CB Scheme

The IEC–CB Scheme is a certification program for gaining product approval recognition on an international level. Products tested by any National Certification Body (NCB) that participates in the CB Scheme will be accepted for approval without the need for retesting in other member (of the CB Scheme) countries.

Eligibility in the CB Scheme requires that members be recognized by their own governments as an accredited national organization having the authority to issue a listing or place a mark on products that meet specific national standards.

FMRC is accredited by the IEC for testing and evaluating electrical equipment for measurement, control and laboratory use, and information processing equipment including electrical business equipment.

Interlaboratory Agreements

FMRC tests products for, and accepts test data from, internationally recognized laboratories which have interlaboratory agreements with FMRC. The laboratory generating the test data conducts these tests in accordance with the nationally recognized standards of the laboratory certifying the product. Regularly scheduled audits are conducted at each laboratory to insure the competence of the laboratory. The audits include a review of personnel, test equipment, test procedures, documentation control, and quality of operation.

FMRC asserts that it may accept components which have been tested at other laboratories after review of the test report and any additional evaluation necessary. The evaluation by the applicant includes an assurance that the other laboratory's performance meets the level that FMRC would provide had it performed the service.

Standards

The applicant desires recognition for testing and certification of products when tested for compliance with the following test standards, which are appropriate within the meaning of 29 CFR 1910.7(c):

FMRC 1110—Indicator Posts
FMRC 1221—Backflow Preventers
FMRC 1321—Controllers for Electric Motor Driven Fire Pumps
FMRC 1333—Diesel Engine Fire Pump Drivers
FMRC 1635—Plastic Pipe and Fittings for Automatic Sprinkler Systems
FMRC 3600—Electrical Equipment for Use in Hazardous (Classified) Locations, General Requirements
FMRC 3610—Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division 1 Hazardous (Classified) Locations
FMRC 3611—Electrical Equipment for Use in Class I, Division 2; Class II, Division 2; and Class III, Division 1 and 2 Hazardous Locations
FMRC 3615— Explosionproof Electrical Equipment, General Requirements
FMRC 3620—Purged and Pressurized Electrical Equipment for Hazardous (Classified) Locations
FMRC 3810—Electrical and Electronic Test, Measuring, and Process Control Equipment
FMRC 6051—Safety Containers and Filling, Supply and Disposal Containers
FMRC 6310—Combustible Gas Detectors
FMRC 7812—Industrial Trucks—LP–Gas
FMRC 7816—Industrial Trucks—LP–Gas Dual Fuel
FMRC 7820—Industrial Trucks—Electric
ANSI Z8.1—Commercial Laundry and Drycleaning Equipment and Operations
ANSI/ISA S12.12—Electrical Equipment for Use in Class I, Division 2, Hazardous (Classified) Locations
ANSI/ISA S12.13.1—Performance Requirements for Combustible Gas Detectors
ANSI/ISA S12.15—Hydrogen Sulfide Detection Instruments
ANSI/ISA S82.01—Electrical and Electronic Test, Measuring Equipment
ANSI/ISA S82.02—Electrical and Electronic Test and Measuring Equipment
ANSI/ISA S82.03—Electrical and Electronic Process Measuring and Control
ANSI/NEMA ICS 2—Industrial Control Devices, Controllers and Assemblies
ANSI/NEMA 250—Enclosures for Electrical Equipment
ANSI/NFPA 11—Low Expansion Foam and Combined Agent Systems
ANSI/NFPA 11A—Medium- and High-Expansion Foam Systems
ANSI/NFPA 12—Carbon Dioxide Extinguishing Systems
ANSI/NFPA 12A—Halon 1301 Fire Extinguishing Agent Systems

ANSI/NFPA 13—Installation of Sprinkler Systems
ANSI/NFPA 16—Deluge Foam-Water Sprinkler and Spray Systems
ANSI/NFPA 17—Dry Chemical Extinguishing Systems
ANSI/NFPA 20—Centrifugal Fire Pumps
ANSI/NFPA 72—Installation, Maintenance, and Use of Protective Signaling Systems
ANSI/UL 8—Foam Fire Extinguishers
ANSI/UL 38—Manually Actuated Signaling Boxes for Use With Fire-Protective Signaling Systems
ANSI/UL 154—Carbon-Dioxide Fire Extinguishers
ANSI/UL 162—Foam Equipment and Liquid Concentrates
ANSI/UL 299—Dry Chemical Fire Extinguishers
ANSI/UL 346—Waterflow Indicators for Fire Protective Signaling Systems
ANSI/UL 347—High-Voltage Industrial Control Equipment
ANSI/UL 508—Electric Industrial Control Equipment
ANSI/UL 558—Industrial Trucks, Internal Combustion Engine-Powered
ANSI/UL 583—Electric-Battery-Powered Industrial Trucks
ANSI/UL 626—2½ Gallon Stored-Pressure, Water-Type Fire Extinguishers
UL 664—Commercial (Class IV) Electric Dry-Cleaning Machines
ANSI/UL 674—Electric Motors and Generators for Use in Hazardous (Classified) Locations
ANSI/UL 698—Industrial Control Equipment for Use in Hazardous (Classified) Locations
ANSI/UL 711—Fire Extinguishers, Rating and Fire Testing of
ANSI/UL 753—Alarm Accessories for Automatic Water-Supply Control Valves
ANSI/UL 781—Portable Electric Lighting Units for Use in Hazardous (Classified) Locations
ANSI/UL 823—Electric Heaters for Use in Hazardous (Classified) Locations
ANSI/UL 827—Central-Stations for Watchmen, Fire-Alarm, and Supervisory Services
ANSI/UL 844—Electric Lighting Fixtures for Use in Hazardous (Classified) Locations
ANSI/UL 863—Electric Time-Indicating and -Recording Appliances
ANSI/UL 864—Control Units for Fire-Protective Signaling Systems
ANSI/UL 877—Circuit Breakers and Circuit-Breaker Enclosure for Use in Hazardous (Classified) Locations
ANSI/UL 886—Electrical Outlet Boxes and Fittings for Use in Hazardous (Classified) Locations
ANSI/UL 894—Switches for Use in Hazardous (Classified) Locations
ANSI/UL 913—Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations
ANSI/UL 1002—Electrically Operated Valve for Use in Hazardous (Classified) Locations
ANSI/UL 1058—Halogen Agent Extinguishing System Units
ANSI/UL 1093—Halogenated Agent Fire Extinguishers
ANSI/UL 1203—Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations
UL 1206—Electric Commercial Clothes-Washing Equipment
ANSI/UL 1207—Sewage Pumps for Use in Hazardous (Classified) Locations
UL 1236—Electric Battery Chargers
UL 1240—Electric Commercial Clothes-Drying Equipment
ANSI/UL 1254—Pre-Engineered Dry Chemical Extinguishing System Units
ANSI/UL 1262—Laboratory Equipment
ANSI/UL 1555—Electric Coin-Operated Clothes-Washing Equipment
ANSI/UL 1556—Electric Coin-Operated Clothes-Drying Equipment

Preliminary Finding

The Factory Mutual Research Corporation addressed all of the criteria which had to be met for recognition as an NRTL in its initial application and in its further correspondence. For example, the applicant submitted a list of its test equipment and instrumentation; a roster of its personnel including resumes of those in key positions and copies of position descriptions; copies of a typical test report, a factory inspection form and an inspection summary; a summary of its listing, labeling, and follow-up services; a statement of its independence as a testing laboratory; and a copy of its Operations and Quality Assurance Manual including a description of its documentation, calibration system, appeals procedures, recordkeeping and operational procedures.

Nine major areas were examined in depth in carrying out the laboratory surveys: Facility; test equipment; calibration program; test and evaluation procedures; test reports; records; quality assurance program; follow-up listing program; and personnel.

The discrepancies noted by the survey teams in the on-site evaluations, [Ex. 2B(1)], were adequately responded to by the applicant prior to the preparation of the survey report and are included as a integral part of the report.

With the preparation of the final survey reports of the Factory Mutual Research Corporation, the survey team was satisfied that the testing facilities appeared to meet the necessary criteria required by the standard, and so noted in the On-Site Review Report (Survey). (See Ex. 2B).

Following a review of the application file and the on-site survey reports of the FMRC Norwood, Massachusetts and the West Glocester, Rhode Island facilities, the NRTL Recognition Program staff concluded that the applicant appeared to have met the requirements for renewal of its recognition as a Nationally Recognized Testing Laboratory for the above noted facilities and, therefore, recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Factory Mutual Research Corporation facilities for which accreditation was requested (Norwood, MA and West Glocester, RI) can meet the requirements for renewal of its recognition as required by 29 CFR 1910.7.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for renewal of its recognition as a Nationally Recognized Testing Laboratory, as well as Appendix A, of 29 CFR 1910.7. Submission of pertinent written documents and exhibits shall be made no later than May 30, 1995, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, Room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Copies of the FMRC application, the laboratory survey report, and all submitted comments, as received, (Docket No. NRTL–3–93), are available for inspection and duplication at the Docket Office, Room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (Factory Mutual Research Corporation) satisfies the requirements for renewal of its recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with Appendix A of § 1910.7.

Signed at Washington, DC, this 22nd day of March 1995.

Joseph A. Dear,

Assistant Secretary.

[FR Doc. 95–7675 Filed 3–28–95; 8:45 am]

BILLING CODE 4510–26–M

[Docket No. NRTL–4–93]

Underwriters Laboratories Incorporated

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Application for Renewal of Recognition as a Nationally Recognized Testing Laboratory, and Preliminary Finding.

SUMMARY: This notice announces the application of the Underwriters Laboratories Incorporated for renewal of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is May 30, 1995.

ADDRESSES: Send comments to: NRTL Recognition Program, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3653, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3653, Washington, D.C. 20210.

Notice of Application

SUPPLEMENTARY INFORMATION: Notice is hereby given that Underwriters Laboratories Incorporated (UL) has made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7 for renewal of its recognition for the following facilities as a Nationally Recognized Testing Laboratory.

The addresses of the laboratories covered by this application are:

333 Pfingsten Road, Northbrook, Illinois 60062
1285 Walt Whitman Road, Melville, Long Island, New York 11747
1655 Scott Boulevard, Santa Clara, California 95050
12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, North Carolina 27709
2600 N.W. Lake Road, Camas, Washington 98607
UL International Limited, Veristrong Industrial Centre, Block B, 14th Floor, 34 Au Pui Wan Street, Fo Tan Sha Tin, New Territories, Hong Kong
UL International Services, Ltd., 3rd Floor, No. 35, Chung Yang South Road, Section 2, Pei Tou 11237, Taipei, Taiwan

Background

When OSHA published its standard for NRTLs at 29 CFR 1910.7, it temporarily recognized Underwriters Laboratories Incorporated (UL) and Factory Mutual Research Corporation (FMRC). Both organizations had already been referenced by the Occupational Safety and Health Administration (OSHA) as acceptable organizations for testing or certifying certain workplace equipment and materials. Appendix A of section 1910.7 stated, in part, that Underwriters Laboratories Incorporated was recognized temporarily as a nationally recognized testing laboratory by the Assistant Secretary for a five-year period from June 13, 1988 through June 13, 1993. At the end of this five-year period UL was required to apply for renewal of that OSHA recognition utilizing certain specified procedures. UL has applied for renewal of its recognition as an NRTL within the specified time frame (application dated September 30, 1993) and retains temporary recognition pending OSHA's final decision in this renewal process.

Application

According to the applicant, Underwriters Laboratories Inc., is an independent, not-for-profit product safety certification organization, which was founded in 1894. UL has requested accreditation for its five major domestic certification locations, including its newest facility at Camas, Washington, and two overseas subsidiaries.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for renewal of its recognition to certify products in the areas of testing which it has specified.

Underwriters Laboratories Inc. states that its application demonstrates that for each specified item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, quality control and calibration programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate product test standards.

It also claims that it supplies, to the extent needed for the particular equipment or materials listed, labeled or accepted, the following control or services: Implementation of control procedures for identifying UL Certified equipment or materials; inspection of the run of production of such items at factories; and conducting of field inspections.

UL states, further, that it is completely independent of employers subject to the tested equipment requirements and of any manufacturers or vendors of equipment or materials being tested for these purposes.

The applicant maintains that it has effective procedures for reports that are objective and without bias; and for handling complaints and disputes under a fair and reasonable system.

In summary, UL claims that it has the experience, expertise, personnel, organization, equipment, and facilities suitable for renewal of its accreditation as an OSHA Nationally Recognized Testing Laboratory.

UL's application (Exhibit 2A) consisted of the following segments which, it states, demonstrate the above claims:

Section 1—Introduction, purpose and format; Section 2—Scope and Application, standards sought for recognition; Section 3—Organizational Data, applicant's background, history, ownership, testing locations and external organizations used for technical support; Section 4—Affiliation, statement of independence; Section 5—Personnel, numbers and job descriptions of and training programs for technical staff, identification and qualifications of key personnel; Section 6—Services Provided, services provided certification marks, reports and records, follow-up inspection program and testing, and various programs involving client participation; Section 7—Testing Experience, testing experience, standards writing activity, and identification of various accreditations; Section 8—Control Programs, quality improvement system including Quality Control Manual, recording and control of data, supervision of samples, access security system, test procedures, lab personnel qualifications and test equipment records, standards, codes and regulations distribution, and uniform requirements interpretations; Section 9—Appeals Procedures/ Procedures and Reports, appeals system, and product field reports; Section 10—Test Equipment, appropriateness and calibration of test equipment; Section 11—Facilities, size and adequacy of each facility; and Section 12—Supplemental Information—representative NRTL program form.